

DETAILED ACTION

1. Applicant's amendment, filed 07/07/10 is acknowledged.

Claims 1-3, 5, 6, 8-15, 54-57, 59, 61-68 are pending and allowed

EXAMINER'S AMENDMENT

2. An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.
3. Authorization for this Examiner's Amendment was given in a telephone interview with Murray Spruill on 08/27/10.

In the Claims:

4. Claims 16-21, 22, 24-29, 31, 33-36,38, 40-43,45,47-50, 52, 69-75, 77, 79-86, 88, 90- 95, 97, 99-104, 106, 108-113, 115, 117-120 have been canceled.

REASONS FOR ALLOWANCE

5. The following is an Examiner's Statement of Reasons for Allowance:

The previous rejection of record, mailed on 03/08/10 is hereby withdrawn in view of:

- (i) The Examiner's Amendment set forth supra;
- (ii) Applicant's arguments filed on 07/07/10. In said arguments Applicant indicated that as is evidenced from the instant specification (Table I), ALDH^{br} stem cells population of the prior art references that were isolated from BM, PB or UCB would inherently have only about 1% of the cell population that are CD105 positive (see pages 18 and 19 of Applicant's arguments filed on 07/07/10). Therefore, without further selecting, enriching and or expanding the ALDH^{br} cells of the prior art , the referenced ALDH^{br} stem cells do not have at least 10% CD105 positive cells, as recited in the amended claims. Moreover, Applicant indicated that in contrast

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to the prior art references wherein said stem cells were highly enriched in hematopoietic progenitors only, ALDH^{br} stem cells population of the instant claims, wherein at least 10% are CD105 positive, has not only hematopoietic stem cell properties, but also mesenchymal stem cell properties.

Thus, as asserted by Applicant, the instantly claimed ALDH^{br} stem cells are functionally and structurally different from the prior art ALDH^{br} stem cells.

6. The prior art does not teach or suggest a cell population of ALDH^{br} stem cells wherein at least 10 % of the cells are CD105 positive, as claimed in claims 1-3, 5, 6, 8-15, 54-57, 59, 61-68

7. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michail Belyavskyi whose telephone number is 571/ 272-0840. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:30 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ram Shukla can be reached on 571/ 272-0735 .

The fax number for the organization where this application or proceeding is assigned is 571-273-8300

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/Michail A Belyavskyi/
Primary Examiner, Art Unit 1644